

## Test Valley Borough Council

### MEMBERS' CODE OF CONDUCT

Adopted 4<sup>th</sup> July 2012

#### Part 1: General Provisions

1. This Code applies to **you** being a holder of public office as a member of Test Valley Borough Council (“the authority”) when acting in your role as a member
2. This Code is adopted pursuant to the Council’s statutory duty to promote and maintain high standards of Conduct by members of the authority, complies with the requirements of Section 28 of the Localism Act 2011 and is consistent with the principles set out in that section and which are listed in paragraph 4 below.
3. This Code is not intended to be an exhaustive list of all the legal and constitutional obligations placed on members of this authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.
4. This Code is based on and consistent with the following principles:

#### **SELFLESSNESS**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

#### **INTEGRITY**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### **OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public.

#### **OPENNESS**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **HONESTY**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **LEADERSHIP**

Holders of public office should promote and support these principles by leadership and example.

## **Part 2: General obligations for members**

### 1. When acting in your role as a member of the authority:

- 1.1. **Do** treat others with respect.
- 1.2. **Do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a Member and on the Council as a whole.
- 1.3. **Do not** do anything which may cause your authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006(a)).
- 1.4. **Do not** bully any person (bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).
- 1.5. **Do not** intimidate or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you
- 1.6. **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 1.7. **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is—
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority
- 1.8. **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- 1.9. **Do not** use or try to use your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.

### 2. When making decisions on behalf of or as part of the authority:

- 2.1. **Do** have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
- 2.2. **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

3. When using or authorising the use by others of the resources of the authority—
  - 3.1. **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's Electronic Communications Policy which you are deemed to have read ;
  - 3.2. **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - 3.3. **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
  - 3.4. **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your Disclosable Pecuniary Interests.

### **Part 3: Interests**

#### **1. Disclosable Pecuniary Interests**

Disclosable Pecuniary Interests are defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012' (the Regulations) and details are set out in the Schedule to this Code

#### **2. Code of Conduct Interests**

These are pecuniary interests of the nature set out in the Schedule to this Code that affect you (but not being a Disclosable Pecuniary Interest) or relate to or affect a relevant person as defined in the Regulations, a member of your family or a close friend.

#### **3. Sensitive Interests**

These are interests where you consider that disclosure of the details of a disclosable pecuniary interest or a code of conduct interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. If the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2012.

#### **4. Registration of Interests**

You must, within 28 days of:

- a. this Code being adopted, or
- b. your acceptance of office as a member, or
- c. disclosure of a Disclosable Pecuniary Interest not on the Council's Register of Interests or the subject of a pending registration

notify the Monitoring Officer of any Disclosable Pecuniary Interest where the Disclosable Pecuniary Interest is yours or is the pecuniary interest of your spouse

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or civil partner, or somebody with whom you are living as husband or wife or as if you are civil partners

## 5. Disclosure of Interests

If you are present at a meeting of the Council, or any committee or sub-committee, joint committee or joint sub-committee of the authority and you have a Disclosable Pecuniary Interest or a Code of Conduct Interest in any matter to be considered or being considered at the meeting -

- a. You must disclose the existence and nature of that interest to the meeting
- b. You may not participate in any discussion or vote taken on the matter at the meeting
- c. You must leave the room where the meeting is held before any discussion or voting takes place
- d. If the interest is a Disclosable Pecuniary Interest and is not registered or is not the subject of a pending registration you must notify the Monitoring Officer of the interest within 28 days
- e. If the interest is a Disclosable Pecuniary Interest you must not make a statement on the matter in which you have an interest before leaving the room.
- f. If the interest is a Code of Conduct Interest you may make a statement on the matter in which you have an interest before leaving the room, in accordance with the Council's Public Participation Scheme.

## 6. Offences

It is a criminal offence to

- a. fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- b. fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- c. fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- d. participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- e. as an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- f. knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

## Schedule

Set out below is an extract from The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. In this extract 'M' means you and 'relevant person' means you, your spouse or civil partner, or somebody with whom you are living as husband or wife or as if you are civil partners.

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions of interests are also subject to the following definitions:

*“the Act” means the Localism Act 2011;*

*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

*“director” includes a member of the committee of management of an industrial and provident society;*

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*

*“member” includes a co-opted member;*

*“relevant authority” means the authority of which M is a member;*

*“relevant period” means the period of 12 months ending with the day on which M gives a notification of a disclosable pecuniary interest on taking office or at a meeting where the interest arises as appropriate;*

*“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*